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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/240,932	01/29/1999	EMANUEL JAMES FULCOMER	5-3	7973

7590 11/17/2004
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FAIRFIELD, CT 06430

EXAMINER

LEE, CHI HO A

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/240,932

Applicant(s)

FULCOMER ET AL.

Examiner

Andrew Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the Appeal Brief filed on 9/1/04, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In independent claims 1, 6, 9, 13 and 16 recite "a corresponding directional of a given frame". It is unclear whether the "a corresponding directional channel" is referring to the direction of the "at least one bearer channel".

Claim Rejections - 35 USC § 102

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Amada et al U.S. Patent Number 4,841,521.

Re Claim 1, "PBX environment" is an intent of use, no patentable weight will be given. Amada teaches a data transmission reception apparatus 1 in fig. 1b and fig. 3 (an interface) teaches and transformer 116 (a connector) for connecting the apparatus to terminal 4 (an application module). The receiver 109 (See fig. 3) receives data using a frame format (shown in fig. 1a), wherein the format provides at least one bearer channel 7 & 9 (at least one bearer channel) corresponding to a communication, such that a data transmission reception apparatus in fig. 1b (a single entity) places data from each direction of the communication in a corresponding in the at least one bearer channel (a corresponding directional channel of a given frame) (See col. 2, lines 58 ~ col. 3, lines 1-20 & also col. 4, lines 10-36).

Re Claims 9, 13, and 16, refer to Claim 1.

Re Claims 2, 10, 14, refer to Claim 1, wherein fig. 1a teaches at least 4 channels includes 2 B channels in both directions.

Re Claims 3, 7, 11, 15, refer to Claim 1, wherein DTE (a computer) inherently includes an application module to enable access the digital channels (See col. 4, lines 10-20).

Re Claim 4, refer to Claim 3, wherein the analog device inherently includes an application module to permit access to the low speed interface (See col. 2, lines 63-68 & Col. 4, lines 10-20).

Re Claims 5, 8, 12, refer to Claim 1, wherein the interface 101 is connected to telephone that inherently includes a connector.

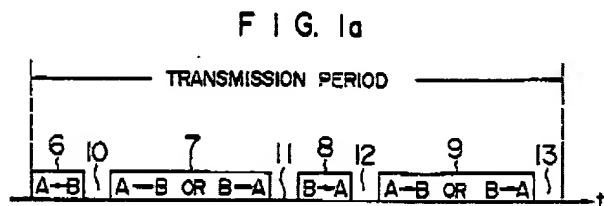
Re Claim 6, refer to Claim 1, further teaches in fig. 1a, the signaling channel 6 (See col. 3, lines 15-20).

Response to Arguments

6. Applicant's arguments filed 9/1/04 been fully considered but they are not persuasive.

For Claims 1, 6, 9, 13, and 19, page 3 of remarks, Applicant argues that Amada et al do not disclose or suggest "one or more channels corresponding to a communication, such that a single entity places data from each said directions of said communication in a corresponding directional channel of a given frame".

Examiner respectfully disagrees.



As shown above, transmission period (frame format) illustrates, the two bearer channel 7, 9, that can be transmit in either directions (A to B) or (B to A) wherein a data transmission reception apparatus in fig. 1b places data in either directions

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corresponding to the direction of the bearer channel. Hence, a single entity does places data in either directions corresponding to the bearer channels.

Applicant further argues that "*different entities*" places data from each of said direction". However, the capacity of placing data from each of the directions can also be found in a single entity of a data transmission reception apparatus in fig. 1b.

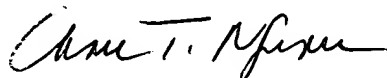
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 571-272-3130. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-571-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AI
11/15/04

ANDY LEE
PATENT EXAMINER



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